

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM T. WINDSOR,	§
	§
Defendant Below,	§ No. 406, 2022
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID Nos. 1212009736A,
	§ 1212009736B
Appellee.	§

Submitted: February 10, 2023

Decided: March 2, 2023

Before **SEITZ**, Chief Justice; **VALIHURA** and **VAUGHN**, Justices.

**ORDER**

After consideration of the appellant’s opening brief, the State’s motion to affirm, and the record on appeal, it appears to the Court that:

(1) The appellant, William Windsor, appeals from the Superior Court’s order denying his third motion for postconviction relief under Superior Court Criminal Rule 61. The State has filed a motion to affirm the Superior Court’s judgment on the ground that it is manifest on the face of Windsor’s opening brief that the appeal is without merit. We agree and affirm.

(2) On February 18, 2013, Windsor was charged in a 160-count indictment with various sex offenses committed over a period of years against two victims (“Victim 1” and “Victim 2”). At Windsor’s request, the Superior Court severed the

indictment into two cases, Case A and Case B. Case A consisted of 151 counts relating to Victim 1, and Case B consisted of nine counts relating to Victim 2.

(3) On the morning that jury selection was scheduled to begin, the State offered amended indictments reducing the number of counts in Case A from 151 to twelve and in Case B from nine to eight. Later that same day, Windsor pleaded guilty to one count of Rape in the Second Degree in Case A and pleaded no contest to one count of Continuous Sexual Abuse of a Child in Case B. In exchange for Windsor's plea, the State agreed to dismiss the rest of the indicted offenses in both cases.

(4) At sentencing on December 13, 2013, Windsor told the Superior Court that he wanted to file a motion to withdraw the guilty plea. The Superior Court refused to hear the motion because it was untimely and because Windsor was represented by counsel with whom Windsor had not discussed the motion. After finding several aggravating factors, the Superior Court sentenced Windsor to a total of fifty years of imprisonment at Level V, twenty-five years for each offense, suspended after a total of twenty-two years for decreasing levels of supervision.

(5) On direct appeal, Windsor's counsel filed a no-merit brief under Supreme Court Rule 26(c). Windsor submitted several issues that he wanted the Court to consider, including that the 160-count indictment was multiplicitous and designed to coerce him to plead guilty, and that the Superior Court had erroneously

refused to consider his motion to withdraw the guilty plea. This Court rejected Windsor's claims and affirmed the Superior Court's judgment.<sup>1</sup>

(6) In 2015, Windsor filed a motion for postconviction relief under Rule 61. Windsor's postconviction motion reiterated the issues that he had raised on direct appeal and raised several additional issues, including that his guilty plea was involuntary because he did not have effective assistance of counsel. The Superior Court denied the motion, and this Court affirmed.<sup>2</sup>

(7) Windsor filed a second motion for postconviction relief in 2018. The Superior denied the motion, holding that it was procedurally barred by Superior Court Criminal Rule 61. This Court affirmed.<sup>3</sup>

(8) In June 2022, Windsor filed a third motion for postconviction relief. The Superior Court summarily dismissed the motion as procedurally barred by Superior Court Rule 61(d)(2). Windsor has appealed to this Court. We affirm the Superior Court's judgment. As we have previously held,<sup>4</sup> because Windsor was not convicted after trial, but instead pleaded guilty to one charge and no contest to

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<sup>1</sup> *Windsor v. State*, 2014 WL 4264915 (Del. Aug. 28, 2014).

<sup>2</sup> *Windsor v. State*, 2015 WL 5679751 (Del. Sept. 25, 2015).

<sup>3</sup> *Windsor v. State*, 2019 WL 327964 (Del. Jan. 23, 2019).

<sup>4</sup> *Id.* at \*2.

another, he cannot proceed under the exceptions to the bar on repetitive motions in Rule 61(d)(2) that he seeks to invoke.<sup>5</sup>

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED, and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.  
Chief Justice

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<sup>5</sup> See SUPER. CT. CRIM. R. 61(d)(2)(i) (providing that a “second or subsequent motion under this rule shall be summarily dismissed, unless the movant *was convicted after a trial and* the motion” pleads with particularity new evidence of actual innocence or a new, retroactively applicable rule of constitutional law applies to the case and renders the conviction invalid) (emphasis added).